

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SERONO INC.,)	
Plaintiff,)	
)	
v.)	C.A. No. 02-11832-MLW
)	
FERRING PHARMACEUTICALS, INC.)	
Defendant.)	

ORDER

WOLF, D.J.

May 26, 2004

For the reasons stated in court on May 25 and 26, 2004 and during the lobby conference on May 26, 2004, it is hereby ORDERED that:

1. The parties shall file a stipulated protective order by June 3, 2004.

2. Serono's Motion to Disqualify Ferring's Expert Witness Dr. Patrick Sluss (Dkt. 113) is WITHDRAWN. The parties shall file a stipulated agreement, signed by Dr. Sluss, by June 3, 2004.

3. Ferring's Motion to Bar Testimony by Serono Inc.'s Testifying Expert Alan Penzias and for Appropriate Protective Orders (Docket No. 110) is MOOT in light of Serono's agreement to withdraw Dr. Penzias from its list of expert witnesses.

4. This case is STAYED until July 16, 2004.

5. The parties shall, by July 16, 2004, file a joint report addressing the status of their settlement discussions and, if the case is not settled, whether they request an opportunity to pursue mediation.

6. If the parties have not agreed to settle and do not request an opportunity to mediate, they shall also file a joint proposed scheduling order by July 16, 2004.

7. If the parties have not agreed to settle or mediate, Ferring shall file a response to Serono's Motion to Consolidate (Docket No. 127) by August 16, 2004.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE